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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,305

03/02/2005

Maikel Albert Walther Klomp

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SHALLENBERGER, JULIE A

ART UNIT

PAPER NUMBER

2885

MAIL DATE

DELIVERY MODE

05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,305

Applicant(s)

KLOMP ET AL.

Examiner

Julie A. Shallenberger

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/16/07 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynne Willson (6,676,284) in view of Fermgard (2004/0179000).

In regard to claims 1, 3, 4, and 7, and 8 Wynne Wilson teaches an LED assembly with a plurality of flexibly mounted (col. 6 line 45) LEDs suitable to form a string (col. 9 line 63) with an LED mounted with a mounting base 3, which is provided with electrical connection wires (see figures 2 and 3), a control system and a matrix arrangement (col. 11 lines 10-60), but lacks the teaching of the wires being protected from surroundings by a package of hot melt material.

Fermgard teaches a light emitting diode that is mounted and secured using a hot melt adhesive.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the light device of Wynne Willson with the hot metal material mounting means taught by Fermgard in order to provide a strong bonding means with lasting durability to protect the diode by securing it in its intended place.

In regard to claim 6, Wynne Wilson teaches mount LEDs 5 to base 3 and since the LEDs are mounted on the front side of the base, there would be no need to provide hot melt on the back side of the base.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wynne Willson and Fermgard in view of Epstein (6,801,276).

Wynne Willson and Fermgard teach the invention as described above but lack the teaching of a diffusing means within the hot melt.

Epstein teaches a hot melt adhesive with diffusing properties (col. 4 lines17-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the light of Wynne Willson and the hot melt of Fermgard with the diffusing hot melt taught by Epstein in order to enhance the amount of light emitted by the diode. Furthermore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the diffusing material white in order to emit white light.

Response to Arguments

Since Fermgard teaches fixing an LED to a base 5 such that the “LED is fixed by means of hot melt adhesive”, the LED would inherently be protected from damage caused by it coming out of place and colliding with its surroundings. Please see the definition of “fixed” below:

Fixed fastened, attached, or placed so as to be firm and not readily movable; firmly implanted; stationary; rigid.

The electrical contacts are part of any LED and if the LED is fixed, so are the contacts, and if they are both fixed then they are both securely placed and therefore protected from colliding with its surroundings.

Wynne Willson teaches electric connection wires (figures 4-8), and such wires are incredibly obvious in order to provide power to operate the LEDs.

In regard to claim 5 and the diffusing material being white so as to reflect light, the claim merely states “the hot melt material has a white, light scattering surface” and a diffuser scatters light. Contrary to applicant’s arguments, the claim does not require that the hot melt material is reflective. Furthermore, a diffuse scatters light by reflecting rays via particles dispersed therein or a roughened surface.

In regard to claim 6, Wynne Wilson teaches mount LEDs 5 to base 3 and since the LEDs are mounted on the front side of the base, there would be no need to provide hot melt on the back side of the base.

Allowable Subject Matter

Claim 9 is allowed.

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to show or teach a light emitting diode assembly as claimed in 1 with hot melt material providing protection from dust and water.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie A. Shallenberger whose telephone number is (571)272-7131. The examiner can normally be reached on Monday - Friday 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Sember can be reached on 571-272-2381. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2885

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS
AU 2885

A handwritten signature in black ink, appearing to read 'T. M. Sember', is written over a faint, circular official stamp.

THOMAS M. SEMBER
PRIMARY PATENT EXAMINER